

DRLink

Board Member Edition



State of Wisconsin
Department of Regulation and Licensing

January 2009 Vol. 1 No. 1

OLC and Board Services to Merge

2009 will usher in a new consolidated Division of Board Services consisting of the current Office of Legal Counsel and Division of Board Services, which will be headed by a single administrator. This move will enable the Department to provide services to our boards under a unified leadership structure. Legal matters will continue to be overseen by the Chief Legal Counsel. However, policy, administration and personnel leadership will be vested in the Division Administrator.

The Department is taking a stand for a new future for the services we provide our boards. Specific details will be worked out over the next several weeks. With an integrated Division of Board Services, the Department will truly be able to speak with our boards, license holders, Association and consumers with one voice.

An implementation team has been selected to work out details
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Department and Boards Update Strategic Plan

The second round of strategic planning at DRL officially kicked off last summer when managers and supervisors got together June 27th to review progress from the 2007-2008 Strategic Plan and identify some new ideas for the 2009-2010 plan.

On July 23rd, members from our affiliated boards were invited to Madison for an afternoon of identifying strategic priorities for DRL and a reception at the Governor's residence (photos on page 8), which was hosted by First Lady Jessica Doyle.

Meetings also took place this past fall to gather more wide ranging employee input on our strategic plan.

Many of the goals identified in the 2007-2008 Strategic Priorities have been completed. Notable accomplishments include creation of a Board Member Case Advisor training program, increased employee training, enhancements to our website and the identification

of DRL performance measures. Other goals will continue to be worked on in the next DRL Strategic Plan.

One new strategic priority, Customer Service, was identified in the June 27th manager/supervisor gathering.

Teams formed to work on DRL Strategic Initiatives for 2009-2010 include: Employee
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The Secretary Says

Trying on Something New

The concept of leadership means different things to different people. Many of us find ourselves in leadership positions but don't really know anything about it. That is, leadership as a distinction from management or playing a significant role in the lives of others. For example, many of us are parents. We don't think of ourselves as being leaders in our roles as parents, but in essence we are. As parents we are the most significant influence in our children's lives. And yet, we don't get a book on how to become good parents or what is the best way to impact their lives. It is generally a process of trial and error and it is often based on what we know or have learned from our parents.

As Secretary of this agency there was no blueprint for me on how to live out that role and assume the responsibility. There was no manual or book on my desk that discussed how to address the various constituencies and address all the issues one is confronted with in an entire agency. I have had to learn by trial and error and by what I know out of my own life experience. Since I have now been here over three years and some things have stabilized, it seemed to be an appropriate time to get a different

view.

Earlier this summer, all of the supervisors and managers met to review the results of our initial strategic plan. We looked at our successes and challenges. We looked at what we were able to complete and what was incomplete. We looked at what we need to work on in our next plan beginning January 1, 2009.

We also made an unprecedented move by meeting with our board members and seeking their input into the plan. Approximately 50 board members from a wide spectrum of our boards met with managers and supervisors and engaged in a very interactive process to look at our strengths and challenges. It was an invigorating process which revealed a fair amount of consistency across the board. These exercises along with the ones conducted by each division will provide us with the data we need to prioritize our goals for the upcoming 18 months.

The strategic plan coincides with our biennial budget which was just submitted on September 15. We acknowledge that we continue to work with limited resources and are always looking for ways to streamline and expedite our service to our licensees and the consumers of this state. As part of our budget we have re-



quested an increase in staff for the Division of Enforcement including an auditor, paralegal for appraisers, investigators and intake personnel. In the Division of Professional Credentialing, we have requested additional personnel to address the increase of professions and applications. In the Division of Management Services we have requested additional funding to make security improvements at the front desk and to convert some of our informational technology staff from consultants to full time positions. In Board Services, we have requested an increase in budget authority for travel to conferences.

There are other projects that I could share, but I will save some for later. As you can see, there are many initiatives that we are working on. The intention is to allow ourselves the freedom to engage in an inward reflection of what we are doing and how we

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Secretary

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can do things differently. I think all of us want to expedite what we do and provide a quality service. It will require more than us just working harder. It will require a new approach, a more innovative strategy and a way of thinking and doing that is not within our current reach. In our Coaching for Leadership conversation it is about thinking the unthinkable and stretching what we already know to create something we never thought possible.

In a workshop I did many years ago I learned this quote from Ezra Jones: The system is designed for the results it is getting. If you want different results, you will have to redesign the system. Maybe it is time for us consider that possibility.

As always, thank you all for all that you do.

Secretary Jackson

Strategic Planning

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Morale (Marvin Robinson-Team Leader), Training and Development (Mike Berndt), Outreach and Public Awareness (Larry Martin), Development and Support of Regulatory Digest (to be determined), DRL Website Redesign (Jim Parker, Development and Enhancement of Internal Operations (Deputy Secretary Barbara Wyatt-Sibley) and Customer Service (Cathy Pond).

State Facing Major Budget Challenges

By **Celia Jackson**

DRL Secretary

I wanted to share with you some information regarding the State's fiscal condition and the implications it has for all of us working here at DRL. As we all know, the global economic crisis is causing a number of related problems. In Wisconsin, we are anticipating a larger than expected budget shortfall due to reduced revenue collections attributable to the slumping national economy. The projected shortfall over the next two fiscal years totals \$5.4 billion.

This serious budget problem is being addressed immediately by Governor Doyle, myself and my fellow cabinet members to give the State the most options it can to try and balance spending and revenues. As you may know, we had been asked previously to cut 10% from our FY 2008-2009 budget. We are now being asked to come up with an additional 2.5% cut. Among the ways we hope to achieve this are not filling vacant positions for the time being and not granting Discretionary Compensation Awards (DCA's) for the remainder of this Fiscal Year. We are also seeking additional savings

and efficiencies.

Statewide, an estimated 3,500 positions will be held open and 500 fleet vehicles will be sold. Governor Doyle's goal is to preserve the jobs of current employees and avoid any furloughs. DRL remains committed to meeting its expectations for budget adjustments without affecting the jobs of any of our current employees, consistent with the Governor's goal. Given the current budget situation, it's doubtful we will receive budget authority for the new positions we have requested in our 2009-2011 budget. I'm confident we will find a way to deal with this in a manner that has the least impact to our customers and our Department mission.

Governor Doyle will be sharing more information on the budget situation in his State of the State Address January 28th and his Budget Address on February 10th.

If you have any questions about our budget situation, please feel free to contact me. I will continue to share more information on the budget situation as we receive it.

What's Happening Around DRL?

Division of Board Services

Board Services staff is working on a strategic planning team to examine how to provide a Regulatory Digest for the different boards. The team is comprised of Kimberly Nania, David Carlson, Roxanne Peterson, Lowethia Turner, Yolanda McGowan, Jeff Scanlan and Tom Ryan. They are charged with coming up with a plan as to how and what a Regulatory Digest would be comprised of and how it would be distributed for the multiple boards. The team has met twice and will continue working on a plan to execute a Digest, for the boards over the next 18 months.

Board Services is also working on putting together several board meetings that will be held around the state in 2009. They are: Medical Board in Marshfield in November, Real Estate Board in Waukesha in February, Barber and Cosmetology in Racine in November, Nursing in La Cross in May, Marriage and Family Therapy, Professional Counseling and Social work Joint Board in Milwaukee in June.

Division of Enforcement

DOE will be holding another round of Case Advisor Training Friday April 24th, 2009 & Wednesday September 9th, 2009.

The case advisor training program offers board members an opportunity to receive advanced training to more effectively serve

in their role as case advisors.

The training provides information on the disciplinary process and practical advice on how to evaluate a case. The session also offers an opportunity for board members to interact with board members from other boards and with DRL staff.

DRL has established a new Enforcement Case Management System designed to significantly reduce the length of time it takes for the disposition of enforcement cases. The Department has taken a stand to resolve all cases that are filed beginning March 1, 2009 within 18 months of the date they are opened. In addition, the Department has established the following benchmarks for resolving cases that were filed before March 1, 2009:

90% of pending cases filed in 2005 and earlier by December 31, 2008 (Completed).

50% of pending cases opened in 2006 by June 30, 2009 and 90% of pending cases by September 30, 2009.

50% of pending cases opened in 2007 by December 31, 2009 and 90% of pending cases by March 31, 2010.

50% of pending cases opened in 2008 by May 31, 2010 and 90% of pending cases by August 31, 2010.

IPP Program

Secretary Jackson has appointed an Advisory Task Force on the Impaired Professional Pro-

cedure (IPP) Program. The group membership includes Sandra Osborn (Medical Board), Jeanne Severson (Pharmacy Board), Julia Nelson (Nursing Board), Gina Dennik-Champion (Wisconsin Nurses Association), Edward Krall (Wisconsin Medical Society), Kevin Martin (Wisconsin Association for Justice), Judy Warmuth (Wisconsin Hospital Association), Ernest Witzke (Pharmacy Society of Wisconsin) and Sheryl Graeber (Substance Abuse Counselors Advisory Committee). DRL staff include Attorneys Jack Zweig and Jeanette Lytle and Sharon Henes, paralegal. The group will be facilitated by Shawnee Daniels-Sykes, PhD, a Registered Nurse and Associate Professor at Mt. Mary College in Milwaukee.

The group is charged with the task of reviewing Chapter RL 7 and making recommendations for more clarity and consistency. They will be reviewing models from other states. Their first meeting is January 23, 2009.

Office of Legal Counsel

The Department is planning to transfer the Administrative Law Judge function that is currently divided amongst the attorneys in the Office of Legal Counsel (OLC) to the Division of Hearing and Appeals in the Department of Administration. We anticipate that the transfer will be completed by July 1, 2009. In the meantime,

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Department of Regulation and Licensing

DRL Update

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Attorney John Schweitzer has been transferred to OLC to assist with cases that have been referred for hearing.

In other news, OLC worked last summer with the Division of Credentialing and Division of Management Services to successfully implement a new Certification of Legal Status (CLS). Effective August 1, 2008 the Department of Regulation and Licensing began requiring applicants who are seeking licensure and licensees who are seeking renewal of their licenses or credentials to declare whether they are a citizen or national of the United States or a qualified alien or nonimmigrant lawfully present in the United

States who is eligible to receive a license or credential as defined in the federal law entitled Personal Responsibility and Work Opportunities Reconciliation Act of 1996, as codified in 8 U.S.C. §1601 et. seq.

The declaration applied immediately to all new applications received after the effective date and will apply when current license or credential holders renew. This new procedure was enacted to ensure that the Department of Regulation and Licensing was in compliance with the requirements of federal law governing the issuance of state professional licenses and credentials by professional boards and or the Department.

On October 25, 2007, Wisconsin Attorney General J.B. Van

Hollen issued an opinion OAG-3-07 stating that "DRL is prohibited from granting any professional license or credential to an alien who is present in the United States illegally...(and) it must put in place some kind of procedure practicably designed to reasonably insure that it does not issue licenses or credentials in violation of federal law" as stated in the Personal Responsibility and Work Opportunities Reconciliation Act of 1996, as codified in 8 U.S.C.

DRL to set license fees administratively

The 2007-2009 State biennial budget gave DRL the authority to set initial and renewal credential fees administratively, rather than by statute. By January 31st of each odd numbered year, DRL will recalculate the fees based on actual costs attributable to the regulation of each profession or business for the succeeding biennium.

DRL will send a report to the Co-chairpersons of the Joint Committee on Finance and the committee will have 14 working days to notify the Secretary that they have scheduled a meeting to review the proposed fees.

If notification is not provided to the Secretary, then the proposed fee adjustments would be considered approved.

Once the fees have been established, DRL will post the new fee schedule on its website and distribute them in credential renewal notices sent to affected credential holders.

Merger

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of the consolidation. Team member are:

Yolanda McGowan
Ruby Jefferson-Moore
Kimberly Nania
Michael Berndt
Barbara Wyatt Sibley
Larry Martin (Chair)
Jim Parker
Martha Zydzowski
Jill Remy

The team will begin meeting shortly after the first of the year, with the following goals:

1. Identifying implementation issues.
2. Developing an implementation plan, including new division structure.

3. Creating a timeline for the merger.

Staff are invited to share their thoughts for how best to implement this merger with any member of the Implementation Team. Please note that until the merger occurs (sometime within the first couple of months of 2009), our current organizational and management structure remains in place - Kim Nania as Administrator of Board Services, Larry Martin as Administrator of the Office of Legal Counsel (handling all policy, personnel and administrative duties) and Michael Berndt, as General Counsel, overseeing all legal matters in OLC. Please let Larry Martin know if you have any questions.

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Notes for Board Members From Board Services

By **Kimberly Nania, Ph.D.**
Division Administrator, Board Services

I'd like to take this opportunity to share some important information with all our Board members before I retire in February. First, I will miss working with you all. You have done, and continue to do great work for the citizens of the State of Wisconsin.

Here are a few things you can look for in 2009.

First, there will be a yellow evaluation slip put in your red folders at your next meeting for you to fill out and leave at the end of the table at the end of the meeting. Completing these evaluation forms will help us assess your meetings so that we are able to help make improvements if necessary. Bureau Directors will compile the results of the evaluation forms and share them with the Chair and in turn the chair will

share results with the boards. At this time we are planning on doing this with each meeting for the next 6 months to see what we learn. At the end of six months, we will assess if we should continue these evaluations at every meeting.

The Department is also looking at doing an electronic board member survey that we hope to implement by the end of 2009. Details are still being worked out. This survey would entail a broader evaluation of services provided by the Department.

Because of a lack of resources and the fact that we are unable at this time to replace people if they leave (we have already lost a person in Education and Examinations that used to do CE audits), we will not be able to do Continuing Education audits. Due to a loss in staff in DOE, they will not be able to continue to do routine CE audits on those

persons that a complaint has been filed or opened against unless the complaint has to do with the CE. Any new requests for CE audits will be discontinued until the CE positions are filled. We are currently working on trying to get them filled.

Finally, we are asking the Boards to consider having their election of officers in October of the year, rather than January or the first meeting of the year. If a Board meets quarterly then it would be the last meeting prior to October. These officers would go into effect in January or their first meeting of the year. The rationale for this is, so the Department can hold a new Chair/Vice Chair training in November to have those officers be better prepared to lead the boards. At this time it has been an on the job training. This will be particularly helpful to those who are not seasoned Chairs.

Staff Changes at DRL Outlined

It is with mixed emotions that we announce the retirement of Kimberly Nania, Division Administrator, Board Services. Kim has served in the department as Division Administrator for over eleven years during the Thompson and Doyle Administrations. She also served as interim Secretary

of DRL during the first term of Governor Doyle.



Kimberly Nania

Our loss is her family's gain because she wants to spend more time with her family and friends, who reside all over the country. Her last day will be Friday, February 13th. We want

to extend our thanks to Kim for her contributions to this agency; the positive relationships she has established with board members and her support role as a member of the senior management team. We wish her the best life has to offer; a fun filled and exciting retirement.

Michael Berndt took on the

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Board Reception at the Governor's Residence July 23, 2008



The Governor's Residence and grounds provided an excellent setting for DRL staff and Board members to meet and mingle.



First Lady Jessica Doyle welcomed everyone to the Governor's Residence.

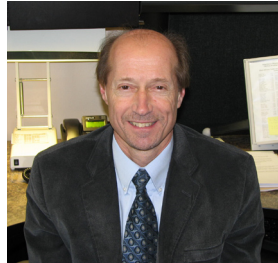


Attendees gathered on the back lawn of the Governor's residence for a group photo.

Staff Changes

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assignment of General Counsel for the Department on Monday, November 24th, 2008. Larry Martin will continue to handle all administrative responsibilities and functions for OLC, while Michael provides his legal expertise and



Michael Berndt

guidance. All DOE work that Michael was previously involved with will be handled by Marvin Robinson and/or Jack Temby.

Effective January 5, 2009 Arthur Thexton, Attorney, was reassigned within

the Division of Enforcement. He will be a member of the Business Team. Arthur will assume responsibility for real estate, real estate appraisers, barber and cosmetology, private detectives, private detective agencies, boxing, home inspectors, security guards and unlicensed professionals. He will report to Jack Temby.

DRL Launches Outreach Effort

DRL has begun a concerted outreach effort to build more positive and proactive relationships with license holders and the associations that represent them.

The first phase of the outreach effort consists of meetings involving DRL Secretary Jackson and the Chairs of Boards which handle the top 10 professions (as measured by pending disciplinary cases) as well as executives from associations representing individuals in those professions. These meetings are expected to be completed by March 1, 2009.

DRL's Communications Officer is also working with communications staff at the associations included in the top 10 to identify resources the associations have that DRL can use to help provide information to license holders.

Wireless Capability Coming For Board Members Visiting DRL

Board members who come to the DRL offices in Madison will soon be able to bring along their laptops or other wireless devices and get connected.

The Department is formulating the final policies and details of the initiative and hopes to launch

the service in early February.

"We have a number of DRL employees who need this capability," said Secretary Jackson. "We're glad we can extend this service to Board Members as well."

